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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

QI, ZHI QIANG

ART UNIT PAPER NUMBER

2871

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/800,483	Applicant(s) SATAKE ET AL. (initials)	
	Examiner Mike Qi	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/332,792.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Sep. 8, 2005 has been entered.

Claim Objections

1. Claims 43, 53, 61, 65-67, 70, 73 and 78 are objected to because of the following informalities:

Regarding claims 43, 53 and 61, recitation "... $400 \text{ nm} \leq \lambda_1 \leq 500 \text{ nm}$ ($\lambda_1 = 4n_1d_1$) ...; ... $450 \text{ nm} \leq \lambda_2 \leq 700 \text{ nm}$ ($\lambda_2 = 4n_2d_2$)" should be corrected to - - "... $400 \text{ nm} \leq \lambda_1 \leq 500 \text{ nm}$ ($\lambda_1 = 4n_1d_1$) ...; ... $450 \text{ nm} \leq \lambda_2 \leq 700 \text{ nm}$ ($\lambda_2 = 4n_2d_2$) ... - -

Regarding claims 65-67, in which the claims are identical with the claims 62-64. Therefore, the claims 65-67 are redundant.

Regarding claims 70, 73 and 78, recitation "... the first dielectric layer comprises. ..." should be corrected to - - "... second dielectric layer comprises. ... - - according to the specification (paragraph 0094).

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 68-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,805,252 (Shimada et al) in view of US 5,926,240 (Hirota et al).

Regarding claims 68-73 and 76-78, Shimada discloses (col.9, line 2 –col.10, line 63; Fig.14) a liquid crystal display comprising:

- switching element (TFT 40) formed over substrate (31);
- insulating film (34) functions as a first insulating film formed over the switching element;
- organic insulating film (42), normally using organic resin, formed over the insulating film (34), and the organic insulating film having a plurality of protrusions (convex portions 42a) as a first protrusion;
- pixel electrode (38) formed over the plurality of the first protrusions, and the surface of the pixel (38) having a plurality of second protrusions corresponding to the first protrusions (42a);
- orientation film (44).

Shimada does not explicitly disclose that over the pixel electrode to form a first dielectric layer (such as SiO₂) and a second dielectric layer (such as TiO₂), and the second dielectric layer (such as TiO₂) formed on the first dielectric layer (such as SiO₂)

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with different refractive index so that the orientation film formed over the second dielectric layer.

Hirota discloses (col.1, lines 24 – 44) that over the pixel electrode to form a dielectric film (second dielectric layer) such as titanium dioxide (TiO_2) on the dielectric film (first dielectric layer) such as silicon dioxide (SiO_2) with different refractive index on the surface of the pixel electrode so as to increase the reflectivity. Because the orientation film is formed on the pixel electrode, so that the multi-dielectric films formed on the surface of the pixel electrode result in the orientation film formed on the second dielectric layer.

Therefore, it would have been obvious to those skilled in the art at the time the invention was made to modify the pixel electrode of Shimada with the teachings of forming multi-dielectric layers on the surface of the pixel electrode with difference refractive index as taught by Hirota, since the skilled in the art would be motivated for increasing the reflectivity and eliminating corrosion problem of the pixel electrode (see col.1, lines 24 – 44).

Regarding claims 74-75, the display device used in a digital camera or a digital still camera that are only given weight as intended use as any display can be used for these products, and that would have been at least obvious.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

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F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 42-67 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-55 of U.S. Patent No. 6,426,787 B1 and over claims 1-36 of U. S. Patent No. 6,707,521 B2.

Although the conflicting claims are not identical, they are not patentably distinct from each other. Because the claims 42-67 of this application and the claims 1-55 of the US patent 6,426,787 and the claims 1-36 of the US patent 6,707,521 have a very close and corresponding limitations except for a few wording are different, and that substantially constitutes a doctrine of obviousness-type double patenting.

Regarding claims 42, 52 and 60, the claim 1 of the US patent 6,426,787 and the claim 1 of the US patent 6,707,521 describe an electronic device having at least one reflection type liquid crystal device, said reflection type liquid crystal device comprising:

- thin film transistor (switching element) being formed over a first substrate;
- interlayer insulating film being formed over the thin film transistor (switching element) and the first substrate;
- pixel electrode comprising a metal and being formed over the interlayer insulating film;

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- reflection layer comprising a dielectric multi-layer film and being formed on the pixel electrode;
- convex or concave portions are formed on the interlayer insulating film, so that a surface of the pixel electrode has convex or concave portions (protrusions);
- the dielectric multi-layer film comprises a first thin film having a first refractive index and a second thin film having a second refractive index formed on the first thin film;
- second refractive index is higher than the first refractive index;
- the second refractive index in a range of 1.8 to 6.0;
- the first refractive index has a ratio of 0.7 or less with respect to the second refractive index.

The difference between the claims of this application and the patents are "an electronic device" and "a camera" or "a personal computer" or "a cellular phone" in the preamble of the claims. Any electronic device including camera or personal computer that are only given weight as intended use, and that have been at least obvious.

Claims 43-51, 53-59 and 60-67 having the same difference from the claims 2-55 of the US patent 6,426,787 and the claims 2-36 of the US patent 6,707,521 are "an electronic device" and "a camera" or "a personal computer" or "a cellular phone" in the preamble of the claims. Any electronic device including camera or personal computer that are only given weight as intended use, and that have been at least obvious.

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Claims 65-67 are redundant as set forth above, so that the claims 65-67 should be canceled.

Response to Arguments

6. Applicant's arguments with respect to claims 42-78 have been considered but are moot in view of the new ground(s) of rejection. Applicant filed the terminal disclaimer on the June 13, 2005 for the claims 42-59. The amended and added claims 42-64 need to file the terminal disclaimed for the US patent 6,426,787 and US patent 6,707,521. The claims 68-78 are rejected based on the references as set forth above. The Claims 43, 53, 61, 65-67, 70, 73 and 78 are objected as set forth above and need to be corrected.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Qi whose telephone number is (571) 272-2299. The examiner can normally be reached on M-T 8:00 am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571) 272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mike Qi
September 29, 2005


ANDREW SCHECHTER
PRIMARY EXAMINER